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Attorneys for Plaintiff
BRUCE THOMAS VEST III

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BRUCE THOMAS VEST III, an individual,

Plaintiff,

v.

SYMMETRIC LABS, INC., a Delaware
corporation, and ALEXANDER GREEN, an
individual.

Defendants.

Case No.: C19-7446-EJD

STIPULATION AND ~~[PROPOSED]~~
ORDER CONTINUING DATE OF
INITIAL CASE MANAGEMENT
CONFERENCE


Judge: Hon. Edward J. Davila
Courtroom: 4 (Fifth Floor)
Date: March 5, 2020
Time: 10:00 A.M.
Trial Date: [None Set]

Pursuant to **Civil Local Rules 6-2(a)** and **7-12**, Plaintiff Bruce Thomas Vest III and Defendant Alexander Green, through their respective representatives (as more specifically set forth in the Declaration of Nancy L. McCullough filed concurrently herewith) have agreed and hereby stipulate to continue the Initial Case Management Conference in this Action, presently set for **Thursday, March 5, 2020 at 10:00 a.m. in Courtroom 5, Fifth Floor** of the **San Jose Division**, for a period of at least two (2) weeks therefrom, or to such later date as the Court may order, and that all parties may appear telephonically at such Initial Case Management Conference.

Therefore, this Stipulation and [Proposed] Order is hereby respectfully submitted to request that the Court so continue the Initial Case Management Conference to not sooner than **Thursday, March 19, 2020**, with commensurate continuance of all related dates.

DATED: FEBRUARY 12, 2020

LAW OFFICES OF NANCY L. McCULLOUGH

By: 

Nancy L. McCullough
Attorney for Plaintiff Bruce Thomas Vest

PROPOSED ORDER

PURSUANT TO THE STIPULATION OF THE PARTIES, IT IS SO ORDERED that the March 5, 2020 Initial Case Management Conference is hereby vacated and continued to March 26, 2020, at 10:00 a.m., and that all parties shall be permitted to appear telephonically. The last day to file a Rule 26(f) Report, complete initial disclosures or state objections, and file the Case Management Statement per the Standing Order for all Judges of the Northern District of California for Contents of Joint Case Management Statement of the Northern District of California shall be March 16, 2020.

Dated: February 13, 2020



Hon. Edward J. Davila

United States District Judge

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DECLARATION OF
NANCY L. MCCULLOUGH

1 I, Nancy L. McCullough, declare as follows:

2 1. I am an attorney licensed to practice law in the State of California and admitted to
3 practice in the Northern District of California. I am one of the two lawyers representing Plaintiff
4 Bruce Thomas Vest III as counsel of record in this Action. Except as to matters stated upon
5 information and belief, I have personal knowledge of the facts set forth herein, and could and
6 would testify competently to them, if called as a witness.

7 2. Upon information and belief, Defendant Alexander Green, who is an *in pro se*
8 Defendant in this Action, is presently incarcerated in a federal correctional facility known as FCI
9 Sheridan, located in Sheridan, Oregon.

10 3. I am further informed and believe that United States Bureau of Prisons regulations,
11 and other applicable rules, place certain constraints upon Mr. Green's ability to receive or respond
12 to electronic and regular mail, and otherwise to conduct business affairs relating to Defendant
13 Symmetric Labs, Inc. (the "Company"). Prior to his incarceration, Mr. Green had been the
14 Company's President, and otherwise served as the Company's senior responsible officer.

15 4. During conversations and correspondence exchanges that I have had recently
16 with a representative of Mr. Green (which representative is not counsel admitted to practice in the
17 State of California, but who has represented to me that they are in contact with Mr. Green and
18 have been authorized by him to speak with me on his behalf about this Action), I am informed and
19 believe that Mr. Green is agreeable to Plaintiff Vest's seeking a continuance of the Initial Case
20 Management Conference in this Action, presently set for **Thursday, March 5, 2020 at 10:00 a.m.**
21 before the Court, for a period of at least two (2) weeks (e.g., until **Thursday, March 19, 2020**), or
22 a later date that is more convenient for the Court, and continuance of all related deadline dates.

23 5. Mr. Green's representative and I have recently been made aware of facts and
24 circumstances suggesting that certain of the Company's management team members and other key
25 personnel, in whom Mr. Green entrusted and empowered with responsibility for the Company due
26 to his incarceration in early 2019, have formed a successor entity to the Company for the purpose
27 of a continuation of the Company's business under a different corporate name and entity.

